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P/3987-29

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Ching Miao Wilson WANG
Serial No.: 10/083,331
Filed: February 25, 2002

New York, New York
Date: October 30, 2003
Group Art Unit: 2851
Examiner: David M. Gray

For: PHOTOGRAPHIC FILM CARTRIDGE AND CAMERA INCLUDING SUCH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION

Sir:

Submitted herewith is a copy of art together with a form listing the same for the convenience of the Examiner.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on October 30, 2003

Robert C. Faber

Name of applicant, assignee or
Registered Representative

Signature

October 30, 2003

Date of Signature

Respectfully submitted,

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Enclosures

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

RECEIVED

22 SEP 2003

AJ PARK

To:

A J Park & Son
PO Box 949
Wellington 6001
NEW ZEALAND

PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing (day/month/year) **16 SEP 2003**

REPLY DUE within **TWO MONTHS**
from the above date of mailing

Applicant's or agent's file reference
474194 AHB/mkm

International Application No.
PCT/NZ02/00236

International Filing Date (day/month/year)
1 November 2002

Priority Date (day/month/year)
2 November 2001

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ G03C 3/00, G03B 17/26

Applicant

GINFAX DEVELOPMENT LIMITED et al

1. This written opinion is the **first** drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The **FINAL DATE** by which the international preliminary examination report must be established according to Rule 69.2 is:
2 March 2004

4. The applicant is hereby invited to reply to this opinion.

When? See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the Final Date by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. **If no response is filed by 1 month before the Final Date, the international preliminary examination report will be established on the basis of this opinion.**
Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the Final Date by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

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WRITTEN OPINION

International application No.

PCT/NZ02/00236

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*

IV. Lack of unity of invention

1. In response to the invitation (Form PCT/IPEA/405) to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with for the following reasons and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees:

The international preliminary examination report has been drawn up in respect of the entire international application but the International Preliminary Examining Authority is of the opinion that the application does not appear to comply with the requirements of unity of invention as set forth in the PCT regulations (Article 34(3), Rule 68(1) PCT).

The separate groups of invention are:

1. Claims 1 - 48 & 51 - 61 are directed towards a photographic film cartridge which is provided with an opening which is closed by a door when the cartridge is removed from the camera and which can be opened when the cartridge is inserted into the camera.
2. Claims 49, 50 & 62 - 67 are directed towards a photographic film cartridge which is light tight except for an opening which is sized to expose a single frame of film.
3. Claims 68 - 104 are directed towards various methods of loading or unloading film into *any* photographic cartridge and constructional details that aid this loading or unloading process.

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

This authority did not invite the applicant to restrict or pay additional fees because the Searching Authority did not raise the issue of lack of unity, and consequently all claims were searched.

3. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

WRITTEN OPINION

International application No.

PCT/NZ02/00236

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 3 - 10, 12 - 28, 31 - 34, 36 - 48, 52 - 61, 63 - 65, 69 - 71, 81, 85 - 87, 90 - 92, 94 - 111, 115	YES
	Claims 1, 2, 11, 29, 30, 35, 49 - 51, 62, 66 - 68, 72 - 80, 82 - 84, 88, 89, 93, 112 - 114	NO
Inventive step (IS)	Claims 5, 7 - 10, 13 - 28, 31, 36 - 48, 52 - 61, 63 - 65, 70, 71, 85, 86	YES
	Claims 1 - 4, 6, 11, 12, 29, 30, 32 - 35, 49 - 51, 62, 66 - 69, 72 - 84, 87 - 115	NO
Industrial applicability (IA)	Claims 1 - 115	YES
	Claims	NO

2. Citations and explanations

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1: US 6,249,646 (see for example column 2 line 31 - column 3 line 42 and figure 3)

D2: US 3,918,075 (see for example column 3 line 47 - column 4 line 42 and figures 2 & 3)

D3: EP 1.120.681 (see for example column 3 line 25 - column 5 line 52 and figures 2, 4 & 5)

New Citations

D4: WO 98/11469 (CONCORD CAMERA CORP.) 19 March 1998 (see for example page 1 line 24 - page 4 line 20)

Novelty (N) (claims 1, 2, 11, 29, 30, 35, 49 - 51, 62, 66 - 68, 72 - 80, 82 - 84, 88, 89, 93, 112 - 114)

Claims 1, 2, 11, 29, 30 & 35: D4 discloses a method and apparatus for loading APS film into a single use APS camera. The APS film canister is closed by a standard light-lock door while it is outside the camera, and this door is only opened by a mechanism once the film is inserted into the camera body, thus allowing the film to be withdrawn and systematically exposed. Independent claims 1 & 35, and dependent claims 2, 11, 29 & 30 are therefore not novel in light of D4.

Claims 49, 50, 62, 66 - 68, 72, 74 - 76 & 89: D1 discloses a reusable photographic film package for a camera, including a light-tight casing having an exposure opening. The exposure opening is spanned by a light-tight casing for holding a film container on one side and a film winding chamber on the other side. The film package is loaded by preloading a film container, with a leading edge of film withdrawn, into the package and then loading the package into the camera. Independent claims 49, 50, 62, 68, 72 & 89, and dependent claims 66, 67, & 74 - 76 are therefore not novel in light of D1.

Claims 49, 50, 62, 66 - 68, 72, 74, 75, 77 - 79, 89, 93 & 112 - 114: D2 discloses a camera and film magazine in which the magazine includes two pockets - one to carry a light-tight film supply cassette and one to carry a wind-up spool. In between these pockets, the film passes an exposure opening. The film magazine forms a dark room for the enclosed film, which begins in a light-tight cassette (column 3 line 58) and is collected in a light-tight collection region (column 4 lines 19 - 21). The casing around the wind-up spool includes an opening which receives a spooling driver (figures 2 & 3). Independent claims 49, 50, 62, 68, 72, 77, 89 & 112, and dependent claims 66, 67, 74, 75, 78, 79, 93, 113 & 114 are therefore not novel in light of D2.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- (a) Independent claims 1 & 35 are not fully supported by the description because they fail to include any features that limit the claim to a film cartridge having the constructional details that are described in the specification as being essential features of the invention. In particular, these claims do not define the size or position of the opening in relation to the position of the camera shutter. Dependent claims 2 - 7, 11 - 21, 29, 30, 32 - 34, 36 - 40 & 42 are also not fully supported by the description for the same reasons.
- (b) Independent claims 49, 50, 62, 68, 72, 77, 89, 97, 101, 105, 108 & 112 are not fully supported by the description as they fail to include the feature of a door which remains closed when the cartridge is outside the camera and is openable once the cartridge has been inserted into the camera. It appears, from the discussion at page 2 line 6 - page 3 line 14, that this feature is essential to the invention in order to overcome the stated problems in the prior art.
- (c) Claim 14 is not clear because it refers to "said activator" and I cannot find any antecedent for an activator either within this claim or claim 2 (to which it is appended).
- (d) Claim 51 is not clear because it defines a camera in which the film "on exposure" is within a light tight container. This appears to be contradictory, as the film must have been removed from the light tight container in order to be exposed.
- (e) Claim 68 is not clear with regard to whether only some or all of the film is withdrawn prior to the film and container being placed inside the cartridge. For instance, all 35-mm film containers have some small amount of the film already withdrawn prior to loading the film.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of V

Claims 49, 50, 51, 62, 66, 67, 72 - 80, 82 - 84, 88 & 112 - 114: D3 discloses a photographic film package with a detachable cartridge, the cartridge comprising a 35-mm film cartridge adaptor and a winding housing which are separated by an exposure opening. In use, the 35-mm film cartridge is inserted and the film is pre-wound into the winding housing before the complete cartridge is inserted into the camera. In order to keep the cartridge light-tight during this process, the exposure opening is manually closed by an opaque cover. The cover is removed before the cartridge is inserted into the camera, but the cartridge acts as a dark room at all times that it is external to the camera due to the implicit light-tight nature of the 35-mm film cartridge and the winding housing. Independent claims 49, 50, 51, 62, 72, 77 & 112, and dependent claims 63, 66, 67, 74 - 76, 78 - 90, 82 - 84, 88, 113 & 114 are therefore not novel in light of D3.

The remaining claims 3 - 10, 12 - 28, 31 - 34, 36 - 48, 52 - 61, 63 - 65, 69 - 71, 81, 85 - 87, 90 - 92, 94 - 111, 115 meet the criteria set forth in PCT Article 33(2) for novelty. The prior art published before the priority date does not disclose a photographic film cartridge that is detachably attached to a camera, wherein the cartridge comprises an unexposed film region and a collection region for exposed film which are positioned on either side of an opening in the cartridge which remains closed when the cartridge is removed from the camera and is automatically or manually opened when the cartridge is inserted into the camera.

Inventive Step (IS) (Claims 1 - 4, 6, 11, 12, 29, 30, 32 - 35, 49 - 51, 62, 66 - 69, 72 - 84 & 87 - 115)

Claims 1, 2, 11, 29, 30, 35, 49 - 51, 62, 66 - 68, 72 - 80, 82 - 84, 88, 89, 93, 112 - 114 also lack an inventive step for the reasons given above.

Claims 89 - 96: D3 discloses a photographic film package with a detachable cartridge, the cartridge comprising a 35-mm film cartridge adaptor and a winding housing which are separated by an exposure opening. The film package has a hole in the bottom of the winding housing which is shaped to receive a spooling driver to spool the film. The positioning of the hole with the winding housing, rather than with the unexposed film region as in the current claims, is considered to be an obvious alternative to the person skilled in the art of camera construction. Independent claim 89, and dependent claims 90 - 96 are therefore not inventive in light of D3.

Claim 101: D2 discloses a camera and film magazine in which the magazine includes two pockets - one to carry a light-tight film supply cassette and one to carry a wind-up spool. In order for the wind-up spool to collect exposed film, a shaft which bears transverse pins is received into recesses within the wind-up spool, the shaft being spring-biased outwards (column 4 line 61 - column 5 line 6). The additional feature that the driving shaft is activated on activation of the shutter is considered to be an obvious addition to the person skilled in the art of camera construction.

Claims 3, 4, 6, 12, 32 - 34, 69, 81, 87, 97 - 100 & 102 - 111: These dependent claims all relate to additional features which are typical to various types of camera construction or are features that would be obvious to the person skilled in the art of camera design and construction.

The remaining claims 5, 7 - 10, 13 - 28, 31, 36 - 48, 52 - 61, 63 - 65, 70, 71, 85, 86 meet the criteria set out in PCT Article 33(3) with regard to the requirement of Inventive Step because the prior art does not obviously suggest to a person skilled in the art a photographic film cartridge that is detachably attached to a camera, wherein the cartridge comprises an unexposed film region and a collection region for exposed film which are positioned on either side of an opening in the cartridge which remains closed when the cartridge is removed from the camera and is automatically or manually opened when the cartridge is inserted into the camera.